

Applicant: Kazuyuki Nako et al.  
U.S.S.N.: 09/720,475  
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### **REMARKS**

Claims 1-46 are pending in the subject application and are subject to a restriction requirement and/ or an election of species requirement.

Applicants also acknowledge with thanks the return of the initialed PTO-1449s previously submitted by Applicants.

### **RESTRICTION REQUIREMENT**

In the above referenced Office Action, the Examiner provided that the pending claims are directed to more than one patentably distinct invention. Specifically, the claims are directed to the following inventions: Group 1, Claims 1-16, drawn to a analysis of color image and the mixing ratio thereof; Group 2, Claims 17-27, drawn to image region extraction thereof; Group 3, Claims 28-29, 33 and 36, drawn to positions of image documents thereof; Group 4, Claims 30-32, 34-35, and 37-38, drawn to edge detection and image segmenting thereof and Group 5, Claims 39-46, drawn to image data alignment thereof.

Accordingly, Applicants were requested under 35 U.S.C. §121 and 35 U.S.C. §372 to elect the invention to which prosecution on the merits will be restricted. In this regard, Applicants elect, with traverse, Group 5, which includes claims drawn to image data alignment, presently embodied in claims 39-46. In view of the Examiner's restriction requirement, Applicants reserve the right to present the above-identified withdrawn claims in a divisional application.

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Applicants traverse the restriction requirement on the basis that a search for the inventions of any of the identified groups would involve consideration of the same prior art. That is, a comprehensive search for the claims of any one group would involve searching as well the classes/subclasses for any of the other groups. As such, Applicants respectfully submit that, since a comprehensive search would involve consideration of the subject matter of all inventions, for efficiency the inventions could be prosecuted at the same time.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

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